

COPY

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

UNION PACIFIC RAILROAD COMPANY, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
CITY OF BELVIDERE, ILLINOIS, )  
Respondent. )  
 )  
Petition of Union Pacific Railroad )  
Company ("UP) seeking review and )  
determination as to the adequacy of )  
railroad signalization at the )  
intersection of South State Street )  
and the trackage of the UP (Crossing )  
Number 174482H) at Milepost 78.28 )  
because of roadway, median and )  
vegetation modifications undertaken )  
by the City of Belvidere, Illinois. )

Docket No. 702-0082

RECEIVED  
AUG 1 2002  
Illinois Commerce Commission  
RAIL SAFETY SECTION

PETITION FOR REVIEW AND DETERMINATION

NOW COMES the respondent Union Pacific Railroad Company (the "UP"), a Delaware Corporation, successor-in-interest to Chicago and North Western Railway Company, f/k/a Chicago and North Western Transportation Company, a Delaware Corporation, engaged in interstate commerce by railroad, by and through its attorney, Mack H. Shumate, Jr., and as such hereby submits a Petition for Review and Determination to the Illinois Commerce Commission (the "Commission") seeking review and determination as to the adequacy of railroad signalization at the intersection of South State Street in the City of Belvidere, Illinois and the trackage of the UP (Crossing Number 174482H) at Milepost 78.28 because of roadway, median and vegetation modifications undertaken by the City of Belvidere, Illinois.

Based on the personal observations of representatives of the UP, it appears that the City of Belvidere, Illinois ("City") has

DOCKETED

undertaken a beautification and parking upgrade program at the location of Crossing Number 174482H near UP Milepost 78.28 at the intersection of UP's trackage and South State Street in Belvidere, Illinois. These modifications may have impact on the integrity of the existing railroad signal warning system at the subject crossing. It appears that the City has eliminated a pre-existing highway median strip, added decorative paving bricks and planted trees along the highway's right-of-way. These modifications have the potential of reducing the visibility of a portion of the flashing light railroad signals warning system when the vegetation reaches maturity.

Illinois Commerce Commission Rule 1535.343 governs the visibility of the crossing. The crossing has been observed by representatives of UP and it appears that there is no difficulty in ascertaining when the flashing lights of the railroad warning system are activated at 800 feet under current conditions. However, it appears that the City has not formally notified the Commission nor the UP with regard to this beautification and parking upgrade project as required by Illinois Commerce Commission Rule 1535.400e.

The Commission has not had an opportunity to determine whether the current location of the UP's signal system should be modified to accommodate the City's improvement project. In addition, the Commission has not had an opportunity to determine whether a maintenance program with regard to the planted vegetation should be undertaken in order to assure visibility of the UP's railroad warning system in the future as the vegetation matures.

Attached hereto as Exhibit A and hereby made a part hereof are photographs of the South State Street Crossing which show the City's improvements. Attached hereto as Exhibit B and hereby made a

part hereof is a letter dated March 11, 2002 from the Director of Public Works for the City of Belvidere, Illinois with copies of the Plan Sheets for the railroad crossing and transfer of the roadway from the jurisdiction of the Illinois Department of Transportation to the City of Belvidere, Illinois.

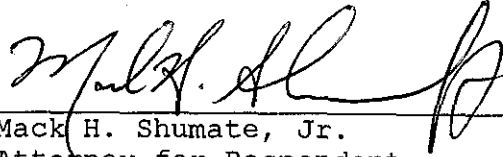
The narrowing of South State Street by the City accomplished by establishing angular parking along South State Street has placed the curb arguably at a different location than for the existing railroad signal system. This coupled with the inclusion of trees in the new parkway areas and the removal of the raised median in the center of South State Street has substantially changed the nature of the existing crossing and its railroad warning signal system.

Attached hereto as Exhibit C and hereby made a part hereof is a letter from the Office of the Municipal Attorneys for the City of Belvidere dated May 9, 2002 indicating that it is the position of the City of Belvidere that the work to South State Street was not performed on the UP's right-of-way, that no changes were made in the marking, warning devices at, or construction of any crossing. The letter fails to address whether or not the changes made by the City may have affected the visibility or potential visibility of the railroad warning system as originally designed for the original configuration of South State Street.

Therefore, the UP respectfully requests that the Commission review the documentation attached to this petition and take whatever action it deems appropriate to assure that the north and south approaches to the crossing comply with the applicable law. The modifications made by the City to South State Street are of no ascertainable benefit to the UP. The existing railway warning signal

system has been maintained by the UP in accordance with applicable law.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mack H. Shumate, Jr.", is written over a horizontal line.

Mack H. Shumate, Jr.  
Attorney for Respondent

Mack H. Shumate, Jr.  
Attorney for respondent  
Union Pacific Railroad Company  
101 North Wacker Drive, Suite 1920  
Chicago, Illinois 60606  
312/777-2055

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by the City of Belvidere, Illinois.	)	

CERTIFICATE OF SERVICE

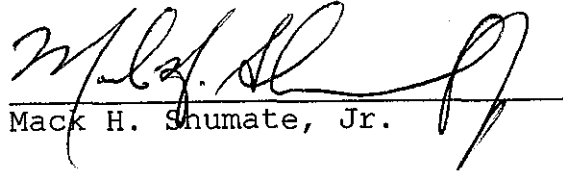
The undersigned certifies that on July 30, 2002, a copy of the foregoing instrument was served upon the following parties by depositing said instrument in the U.S. Mail, with postage thereon fully prepaid, at 101 North Wacker Drive, Chicago, Illinois 60606, addressed as follows:

STACEY C. HOLLO  
Special Assistant Attorney General  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 311  
Springfield, IL 62764

MICHAEL STEAD  
Railroad Safety Program Administrator  
Illinois Commerce Commission  
527 East Capitol Avenue, 2<sup>nd</sup> Floor  
Springfield, IL 62794

CRAIG LAWLER  
Director of Public Works  
City of Belvidere  
210 Whitney Boulevard  
Belvidere, IL 61008

CHARLES G. POPP, ESQ.  
City of Belvidere - Office of Municipal Attorneys  
215 South State Street  
Belvidere, IL 61008

  
Mack H. Shumate, Jr.

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TO ALL PARTIES OF RECORD:

NOTICE OF FILING

Notice is hereby given that the attached Petition has been filed in the above entitled matter before the Illinois Commerce Commission in Springfield, Illinois at the offices of the Commission as follows: Kevin Sharpe, Director of Processing, 527 East Capitol Avenue, Springfield, Illinois 62701, by mailing the same to the Commission at the aforementioned addresses this 30<sup>th</sup> day of July, 2002 by placing the same in the United States mail at 101 North Wacker Drive, Chicago, Illinois at or about 5:00 p.m. on said date.

In addition, copies of the aforementioned Petition of Union Pacific Railroad Company ("UP") seeking review and determination as to the adequacy of railroad signalization at the intersection of South State Street and the trackage of the UP (Crossing Number 174482H) at Milepost 78.28 because of roadway, median and vegetation modifications undertaken by the City of Belvidere, Illinois were mailed to those parties on the Service List attached hereto.

Dated this: 30<sup>th</sup> day of July, 2002.

UNION PACIFIC RAILROAD COMPANY

  
Mack H. Shumate, Jr.

Mack H. Shumate, Jr.  
Attorney for respondent  
Union Pacific Railroad Company  
101 North Wacker Drive, Suite 1920  
Chicago, Illinois 60606  
312/777-2055

SERVICE LIST

STACEY C. HOLLO  
Special Assistant Attorney General  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 311  
Springfield, IL 62764

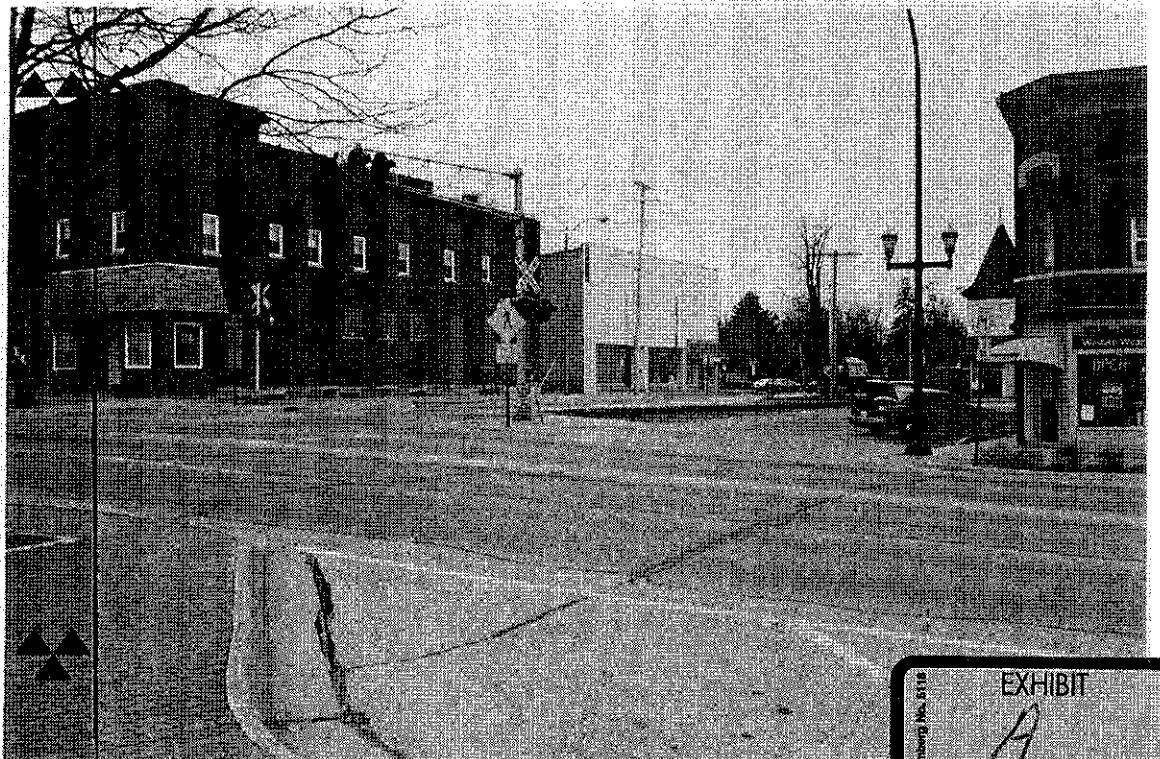
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Shawbury No. 2118

EXHIBIT

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